

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON MAY 9, 2012 IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

CALL TO ORDER:

Mr. Lau, Interim Chair called the meeting to order.

DETERMINATION OF A QUORUM:

Mr. Tuttle established the presence of a quorum.

Present: Frank Lau, Interim Chair
 John Tuttle, Secretary
 Joel Donahue, Member
 Robert Miller, Member
 Bryan Rice, Member
 William Seitz, Member
 Chris Tuck, Board of Supervisors Liaison
 Dari Jenkins, Planning & Zoning Administrator
 Brea Hopkins, Planning & Zoning Technician
 Jamie MacLean, Development Planner

Absent: Ryan Thum, Vice-Chair
 Walt Haynes, Chair
 Steven Sandy, Planning Director

APPROVAL OF AGENDA:

On a motion by Mr. Rice, and seconded by Mr. Donahue, and unanimously carried the agenda was approved as amended by adding discussion regarding Giles Road Development and Mr. Thum's Vacancy.

APPROVAL OF CONSENT AGENDA:

On a motion by Mr. Donahue, and seconded by Mr. Rice, and unanimously carried the consent agenda was approved.

PUBLIC ADDRESS:

Mr. Lau opened the public address; however, there being no comments the session was closed.

WORKSESSION:

On a motion by Mr. Seitz, seconded by Mr. Tuttle and unanimously carried the Planning Commission entered into worksession.

Zoning Ordinance Amendments

Kennel definitions

Ms. Jenkins reviewed the proposed definitions for commercial and private kennels. She discussed additional amendments to outline regulations and additional limitations for commercial kennels. Private kennels will be permitted by right in Agricultural (A-1), Conservation (C-1) districts and by special use permit in Residential zoning districts.

Mr. Lau noted concerns of not clearly defining dog day care centers.

Mr. Rice stated he felt the commercial kennel definition would include dog day care centers.

There was discussion regarding the conflict of definitions for kennels in the zoning ordinance and in the animal control section of the County Code. Ms. Jenkins stated little changes could be made and after consultation with the County Attorney it was determined that it was not possible to make the two definitions be identical.

It was the consensus of the commission to move forward with public hearings on the proposed amendments.

Penned Animals

Ms. Jenkins reported that the Board of Supervisors had passed a resolution (R-FY-12-91) requesting that the Planning Commission to study the use of outdoor open air pens for the keeping of pets or other livestock and advise whether amendments to the zoning ordinance are warranted to regulate this use.

Ms. Jenkins discussed County Code Section 7-54 under nuisances. Based on the interpretation of that Code Section penned animals could be treated as a nuisance. The other option is to add language similar to private kennel limitations which states *"Exterior runs, pens and other confined areas designed to house five (5) or more animals shall be set back at least twenty-five (25) feet from any property line. For the purposes of this section, perimeter fencing of a yard shall not be considered a confined area."*

Mr. Donahue stated the nuisance section solves the issue and incorporating additional regulations in the zoning ordinance did not seem reasonable.

Mr. Seitz noted that nuisance is the better option because it would not apply to everyone. There could be conflicts with farming operations if the zoning ordinance had regulations.

Mr. Miller noted the Right to Farm Act regulations needed to be considered.

Mr. Tuck stated Mr. Creed was adamant about regulating the penned animals.

It was the consensus of the Planning Commission to allow penned animals to be regulated under Section 7-54 of the County Code and not with additional zoning regulations.

Giles Road Development

Mr. Lau stated there was a current multi-use apartment expansion project on Giles Road between N. Main and Patrick Henry Dr. in Blacksburg. The construction will increase the amount of traffic entering Giles Rd. which feeds into Neal and Murphy Streets. It is likely that the neighboring community located in the county will be impacted. The development impacts were

not conveyed in relation to the county residential lots. He noted that the county should be aware of the potential issues associated with the project.

On a motion by Mr. Donahue, seconded by Mr. Miller the Planning Commission closed the worksession

On a motion by Mr. Donahue, seconded by Mr. Rice and unanimously carried the Planning Commission recommended reporting to the Board of Supervisors that amendments to the zoning ordinance relating to penned animals was not necessary. After much discussion and due consideration the Planning Commission found that nuisance laws under Section 7-54 of the County Code could adequately address issues as they arose.

LIAISON REPORTS:

Board of Supervisors- Chris Tuck reported that there is consideration being given to allowing non-profit organizations to have boxes at the collection sites to allow them to collect usable items. The Board has also discussed the budget that was passed and its impacts to education.

Agriculture & Forestal District- No report.

Blacksburg Planning Commission- Frank Lau stated the Blacksburg Planning Commission has received a proposal to increase amount of student housing in Blacksburg.

Christiansburg Planning Commission- No report.

Economic Development Committee- John Tuttle stated the committee toured the Lafayette school property. Part of the property is owned by VDOT. The CRC is going to have 5 new buildings this year, all with a major tenant. 310 apartments are being constructed behind Lowes starting in June.

Public Service Authority- Joel Donahue stated there was a continuation of budget talks. There is an agreement to join water authority in Jan. 2013.

Parks & Recreation- No report.

Radford Planning Commission- No report.

School Board- No report.

Planning Director's Report- No report.

There being no further business the meeting was adjourned at 8:30 pm.